REMARKS

Applicant is in receipt of the Office Action mailed October 27, 2004. Applicant cancels claims 1-145 without prejudice or disclaimer to the subject matter described therein. Applicant submits new claims 146-281 and believes that claims 146-281 overcome the cited art for at least the reasons presented below. Reconsideration of the present case is earnestly requested in light of the following remarks.

Applicant thanks Examiner for the Interview of January 13, 2005 and the follow-up discussion conducted on January 26, 2005. In these discussions, Applicant and Examiner discussed the current rejections and the subject matter of the claims. Examiner provided some guidance on possible areas of allowable subject matter. Applicant agreed to submit new claims based on these discussions.

§101 Rejections

Claims 131-142 were rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter.

As noted above, Applicant cancels claims 1-145 without prejudice or disclaimer to the subject matter described therein.

The Office Action states that ". . .a carrier medium does not suffice as a computer readable or a computer program product and does not constitute eligible subject matter for patentability."

Applicant respectfully submits that various "carrier media" as described in Applicant's Specification include memory media, among others. For example, Applicant's Specification includes on page 27, lines 24-28: "Various embodiments further include receiving or storing instructions and/or data implemented in accordance with the present description upon a carrier medium. Suitable carrier media include memory media as described above, as well as signals such as electrical, electromagnetic,

or other forms of analog or digital signals, conveyed via a communication medium such as networks and/or a wireless link."

Applicant also notes that the present claims which recite a carrier medium also recite that the program instructions are executable by a wireless access point. Accordingly, Applicant respectfully submits that a carrier medium is, thus, statutory according to MPEP §2106 IV.B.1(a).

§102 Rejections

Claims 1-10, 12-39, 41-71, and 73-83, 84-91, 99, 101-105, 113-116, and 123 were rejected under 35 U.S.C. 102(e) as being anticipated by Feder et al. (U.S. Patent No. 6,512,754, hereinafter "Feder").

As noted above, Applicant cancels claims 1-145 without prejudice or disclaimer to the subject matter described therein.

Applicant respectfully submits that Feder nowhere teaches or suggests any of the features recited in claim 146:

> A method for providing access to a network system which comprises a network, the method comprising:
>
> a first access point coupled to the network receiving identification information from a portable computing device in a wireless manner, wherein the identification information indicates a first VLAN of a plurality of possible VLANs;
>
> the first access point determining the first VLAN of the plurality of possible VLANs for the portable computing device after receiving the identification information;
>
> the first access point receiving data from the portable computing device; and
>
> providing the received data to the network using the first VLAN determined in said determining.

Thus, Applicant respectfully submits that claim 146 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 146 and those dependent therefrom are allowable.

Applicant respectfully submits that Feder nowhere teaches or suggests any of the features of claim 173:

> A method for providing access to a network system which comprises a network, the method comprising:
>
> a first access point coupled to the network receiving identification information from a portable computing device in a wireless manner, wherein the identification information indicates a first VLAN of a plurality of possible VLANs;
>
> wherein at least a subset of each of the plurality of possible VLANs corresponds to a respective network service provider of a plurality of possible network service providers;
>
> the first access point determining the first VLAN of the plurality of possible VLANs for the portable computing device after receiving the identification information, wherein the first VLAN corresponds to a first network service provider;
>
> the first access point receiving data from the portable computing device; and
>
> providing the received data to the first network service provider using the first VLAN determined in said determining.

Thus, Applicant respectfully submits that claim 173 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 173 is allowable.

Applicant respectfully submits that Feder nowhere teaches or suggests the features: "a first wireless access point coupled to the network, wherein the first wireless access point is operable to communicate with a portable computing device, wherein the first wireless access point is configured to receive identification information from the portable computing device indicating a VLAN of a plurality of possible VLANs", "wherein the first wireless access point is operable to determine the VLAN indicated in the identification information", and "wherein the first wireless access point is operable to provide network access to the portable computing device through the determined VLAN" as recited in claim 174. Thus, Applicant respectfully submits that claim 174 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 174 and those dependent therefrom are allowable.

Applicant respectfully submits that Feder nowhere teaches or suggests the features recited in claim 177:

> A network system, comprising:
>
> a plurality of wireless access points coupled to a network, wherein each of the plurality of wireless access points is operable to communicate with a portable computing device in a wireless fashion, wherein each of the plurality of wireless access points is configured to receive identification information from the portable computing device indicating a VLAN of a plurality of possible VLANs;
>
> wherein each of the plurality of access points is operable to determine the VLAN indicated by the identification information;
>
> wherein each of the plurality of wireless access points is operable to provide network access to the portable computing device through the determined VLAN.

Thus, Applicant respectfully submits that claim 177 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 177 and those dependent therefrom are allowable.

Applicant respectfully submits that Feder nowhere teaches or suggests the features of claim 202:

> A method for operating a network system, the method comprising:
>
> a first access point coupled to a network receiving identification information from a portable computing device in a wireless manner;
>
> the first access point determining a VLAN tag corresponding to the identification information;
>
> the first access point receiving data from the portable computing device in a wireless manner; and
>
> providing the VLAN tag and the data received from the portable computing device to the network, wherein the VLAN tag is usable by the network to route the data received from the portable computing device to a network destination.

Thus, Applicant respectfully submits that claim 202 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 202 and those dependent therefrom are allowable.

Applicant respectfully submits that Feder nowhere teaches or suggests the combination of features: "communicate with a first portable computing device through the wireless transceiver, wherein the wireless transceiver and the first portable computing device communicate using a first System Identification, wherein the first System Identification comprises one or more of a Service Set ID (SSID), an Extended Service Set ID (ESSID), and a Basic Service Set ID (BSSID) (*emphasis added*)", "communicate with a second portable computing device through the wireless transceiver, wherein the

wireless transceiver and the second portable computing device communicate using a second System Identification, wherein the second System Identification comprises one or more of a SSID, an Extended ESSID, and a Basic BSSID (*emphasis added*)", and "wherein the first System Identification is different from the second System Identification (*emphasis added*)" as recited in claim 222.

Rather, even if the identification information as described in Feder could include one or more of a SSID, an Extended ESSID, and a Basic BSSID, which Applicant respectfully submits it does not, the teaching of Feder would necessitate using at least two transceivers.

Thus, Applicant respectfully submits that claim 222 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 222 and those dependent therefrom are allowable.

Furthermore, Feder nowhere teaches or suggests "wherein the program instructions are further executable by the processor to perform said communicating with the first portable computing device through the wireless transceiver and said communicating with the second portable computing device through the wireless transceiver are performed concurrently" as recited in claim 223. Thus, claim 223 is believed to be allowable for this further reason.

Applicant respectfully submits that Feder nowhere teaches or suggests the combination of features of claim 234:

> A method for providing access to a network system, the method comprising:
>
> a first access point coupled to a network receiving first wireless Ethernet System Identification information and first data from a first portable computing device, wherein the first portable computing device and the first access point communicate using wireless Ethernet;
>
> the first access point receiving second wireless Ethernet System Identification information and second data

from a second portable computing device, wherein the second portable computing device and the first access point communicate using wireless Ethernet;

determining a first network destination for the first portable computing device based on the first wireless Ethernet System Identification information;

determining a second network destination for the second portable computing device based on the second wireless Ethernet System Identification information;

providing the first data to the first network destination; and

providing the second data to the second network destination;

wherein the first wireless Ethernet System Identification information is different from the second wireless Ethernet System Identification information.

Thus, Applicant respectfully submits that claim 234 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 234 and those dependent therefrom are allowable.

Furthermore, Feder nowhere teaches or suggests "the first access point broadcasting the first wireless Ethernet System Identification information and the second wireless Ethernet System Identification information" as recited in claim 239. Thus, claim 239 is believed to be allowable for this further reason.

Claim 244 recites limitations similar to claim 222 and so the arguments presented above apply with equal force to claim 244, as well. Thus, Applicant respectfully submits that claim 244 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 244 and those dependent therefrom are allowable.

Claim 256 recites limitations similar to claim 1 and so the arguments presented above apply with equal force to claim 256, as well. Thus, Applicant respectfully submits that claim 256 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 256 and those dependent therefrom are allowable.

Claim 279 recites limitations similar to claim 234 and so the arguments presented above apply with equal force to claim 279, as well. Thus, Applicant respectfully submits that claim 279 is patentably distinguished over Feder. Accordingly, Applicant respectfully submits that, at least for one or more reasons presented, claim 279 and those dependent therefrom are allowable.

Applicant also respectfully submits that the independent claims are nonobvious and are allowable as well based, at least, on the arguments above.

§103 Rejections

Claims 11, 40, 72, 92-98, 106-112, 117-122, 124-130, and 143-145 were rejected under 35 U.S.C. 103(a) as being unpatentable over Feder in view of Diepstraten et al. (U.S. Patent No. 5,991,287, hereinafter "Diepstraten").

As noted above, Applicant cancels claims 1-145 without prejudice or disclaimer to the subject matter described therein.

Applicant respectfully submits that there is no suggestion in the prior art for combining Feder and Diepstraten, and that even were the two references combined, they would not produce the system of at least claims 146-281. Furthermore, Applicant respectfully submits that there is no teaching, suggestion, or motivation to combine Feder and Diepstraten in either of the references or in the prior art. As held by the U.S. Court of Appeals for the Federal Circuit in *Ecolochem Inc. v. Southern California Edison Co.*, an obviousness claim that lacks evidence of a suggestion or motivation for one of skill in the art to combine prior art references to produce the claimed invention is defective as

hindsight analysis. Furthermore, Applicant respectfully submits that it is nonobvious to combine Feder and Diepstraten.

Accordingly, Applicant respectfully submits that, at least for the reasons presented, claims 146-281 are allowable.

Claim 100 was rejected under 35 U.S.C. 103(a) as being unpatentable over Feder.

As noted above, Applicant cancels claims 1-145 without prejudice or disclaimer to the subject matter described therein.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits the application is now in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5285-06300/JCH.

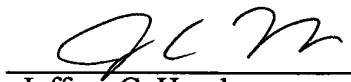
Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Request for Continued Examination

☒ Information Disclosure Statement

Respectfully submitted,



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IN THE DRAWINGS:

Applicant respectfully submits a replacement sheet for Figure 1. Applicant has included an annotated marked-up drawing sheet with the amendment(s) in red.

Annotated Marked-up Drawings

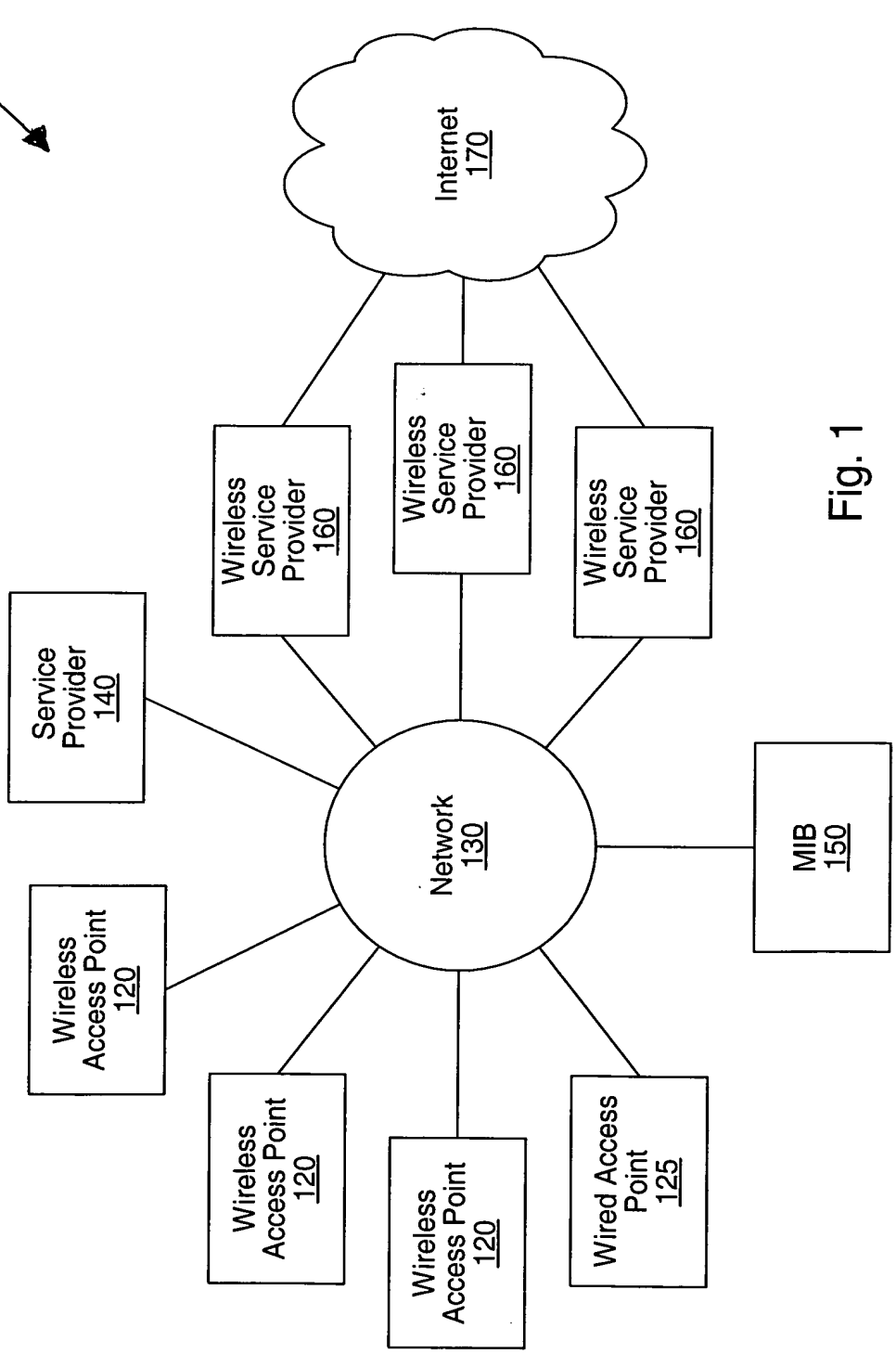

Fig. 1